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May 27, 2008

BY FAX

Hon. Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl St., Room 1620
New York, NY 10007

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Re: **Brassica Protection Products LLC v. Caudill Seed & Warehouse Co. d/b/a Caudill Seed Co., Index No. 07 CIV 7844 (SAS)(DFE)**

Dear Judge Scheindlin:

We submit this letter on behalf of defendant Caudill Seed & Warehouse Company d/b/a Caudill Seed Company ("Caudill").

On Friday, May 23, 2008, Defendant Caudill filed Caudill Seed & Warehouse Co., Inc.'s Reply In Support of Its Claim Construction Brief. However, counsel for Caudill has discovered that it inadvertently exceeded the Court's page limit for reply briefs and failed to file one of the reply brief's exhibits (Exhibit II) appropriately under seal.

Accordingly, counsel for Caudill respectfully requests permission to withdraw Caudill's reply brief filed on Friday, May 23, 2008 and re-file with the Court a reply brief of appropriate length and with the aforementioned exhibit properly filed under seal. Counsel for Caudill has discussed this matter with counsel for Plaintiffs Brassica Protection Products, LLC and The John Hopkins University and Plaintiffs' counsel does not oppose Caudill's request to withdraw the original reply brief and re-file a revised brief of appropriate length with the aforementioned exhibit filed under seal.

Thank you for your consideration of this request.

Respectfully submitted,

Vanessa C. Hew

Duane Morris

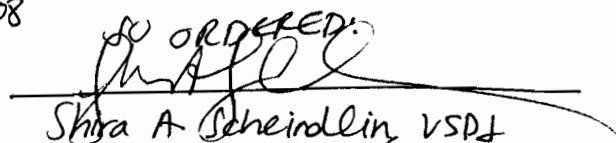
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cc: Edward L. Powers, Esq. (counsel for Plaintiff) (by facsimile 212.702.3619)
Ann G. Schoen, Esq.
Gregory P. Gulia, Esq.

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Defendant's request is granted.
Defendant's reply brief and exhibits
in support thereof are withdrawn
[DOC. NO. 49]. Defendant must resubmit
its reply and exhibits no later than
12:00pm EDT, May 28, 2008. Defendant
may file one exhibit under seal.

Date: May 27, 2008

SO ORDERED:

Shira A. Scheindlin, VSPJ